

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

IKON OFFICE SOLUTIONS, INC.*

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PLAINTIFF,

*

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VS.

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CIVIL ACTION No. 2:05CV959-D

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**MARTHA SOUTHERLAND AND
ABS BUSINESS SYSTEMS, INC.***

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DEFENDANTS.*

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**OBJECTION TO DEPOSITION NOTICE
TO ABS BUSINESS SYSTEMS, INC.**

COMES NOW Defendant ABS Business Systems, Inc. and objects to the Notice of Deposition served on it and moves that the same be stricken on the following grounds.

1. Defendant adopts and incorporates herein, separately and severally, its objections and responses to Plaintiff's interrogatories and request for production.
2. Defendant objects to the Notice of Deposition setting the deposition of Defendant ABS Business Systems, Inc. for January 17, 2007, so long as Plaintiff insists on that deposition taking place before that of the Defendants. Defendant should be allowed to depose Plaintiff before submitting its corporate representative or employee for deposition. Defendant should not be put to the task of defending the

claims alleged in the Complaint without first having the opportunity to explore the circumstances and facts which Plaintiff contends supports its allegations. Once Plaintiff has been deposed, Plaintiff should then be required to file proper deposition notices which are in compliance with Alabama Rules of Civil Procedure 50(b) (5) and (6) and the particularized needs of this case, based on the nature of the claims.

3. With regard to the specific areas of inquiry and document requests, Defendant makes the following objections to the same:

Limitation on area of testimony from January 1, 2005 to the present:

RESPONSE: Plaintiff purports to “limit” the areas of testimony requested in the 30(b)(6) deposition notice from January 1, 2005 to the present. However, according to Plaintiff’s own Complaint the Defendant Martha Southerland’s employment with the Plaintiff ended on May 27, 2005. Defendant objects to all areas of inquiry to the extent that they seek testimony at anytime relative to the alleged misconduct or to the misconduct alleged in Plaintiff’s Complaint from January 1, 2005 to the present. The only testimony that will be relevant is that which relates to any conduct or activity which occurred after May 27, 2005. To the extent the notice seeks testimony outside of these parameters, it is objected to as irrelevant, overly broad and not reasonably restricted in time or scope of inquiry.

Areas of inquiry 1, 2, 4, 5 and 6: The aforementioned areas of inquiry all seek testimony regarding information pertaining to any and/or all customers or clients

of ABS Business Systems, Inc. in the Montgomery marketplace.

RESPONSE: Defendant objects to this request in that it is overly broad and not reasonably restricted in scope. Further, Defendant objects to this request because it seeks information which is neither relevant nor material to the issues as presently framed in this litigation. There are no questions or issues concerning ABS Business Systems, Inc.'s contacts with any and/or all of its clients and/or customers save those that the Plaintiff contends are its own customers. Defendant objects to this request because it is unduly burdensome, oppressive and appears to be propounded for purposes of harassment or annoyance. Finally, this request is objected to because it seeks confidential proprietary information, the disclosure of which would invade the privacy interests of ABS Business Systems, Inc.'s client information.

Areas of inquiry 11 through 15: These areas of inquiry seek testimony regarding ABS Business Systems Inc.'s sales solicitations, marketing plans, strategy plans, sales tips, financial statements, budget information and customer list for the Montgomery marketplace.

RESPONSE: Defendant adopts and incorporates its objections to the preceding areas of inquiry as if fully restated herein.

Respectfully submitted,

s/ Roderick K. Nelson

RODERICK K. NELSON (ASB-8004-N69R)

JARROD B. BAZEMORE (ASB-0127-E64J)

LESLIE E. MCFALL (ASB-8186-L75L)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer has been served upon the following, postage prepaid and properly addressed, this the 10th day of January, 2007:

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s/ Roderick K. Nelson

RODERICK K. NELSON (ASB-8004-N69R)

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